



February 13, 2004

Assistant Commissioner of Patents
Washington, DC 20231

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Technology Center 2600

PROTEST UNDER 37 CFR 1.291(a)

Re: Method of disseminating advertisements
using an embedded media player page

US File #**20040015398** Filed: 4/24/03

Sirs:

Recently I found the above referenced patent filing and believe this filing has
NOT issued in the U.S. The US File # is **20040015398**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded via the internet (0062) to "create bookmarks at a media player." This file of bookmarks (similar to a database of trigger events) then calls up advertising based on a voluntary user action relating to the stored database.

The unrelated "dissemination" of advertisements is described in (0006), (0030), (0036) and (0052).

The abstract clearly states, "When the bookmark is used in the browser to play the media file, the embedded media player page instructs the media device (110) to request an advertisement from an advertisement server (104) for display in the embedded media player page."

Relevant Claims are 12,19,20 and others that discuss the dynamic updating of new ads to the client and replacement of old ads based upon a number of "bookmarks" akin to keyword, URL and other voluntary user actions.

This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only some vague references to server profiling systems. The filers are correct that a targeted system based on URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 4/24/03 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.





